

NOT TO BE PUBLISHED IN THE OFFICIAL REPORTS

California Rules of Court, rule 977(a), prohibits courts and parties from citing or relying on opinions not certified for publication or ordered published, except as specified by rule 977(b). This opinion has not been certified for publication or ordered published for purposes of rule 977.
--

IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

SECOND APPELLATE DISTRICT

DIVISION THREE

In re CHRISTOPHER E., a Person Coming
Under the Juvenile Court Law.

B154941

(Super. Ct. No. NJ14728)

THE PEOPLE,

Plaintiff and Respondent,

v.

CHRISTOPHER E.,

Defendant and Appellant.

APPEAL from an order of the Superior Court of Los Angeles County, Marcus O. Tucker, Judge. Reversed.

Mark S. Givens, under appointment by the Court of Appeal, for Defendant and Appellant.

Bill Lockyer, Attorney General, Robert R. Anderson, Chief Assistant Attorney General, Pamela C. Hamanaka, Senior Assistant Attorney General, Susan D. Martynec,

Supervising Deputy Attorney General, and Jeffrey Hoskinson, Deputy Attorney General for Plaintiff and Respondent.

Christopher E., a minor, appeals from the order of wardship (Welf. & Inst. Code, § 602) entered following a determination that he disturbed a person in a school building or on school grounds by loud and unreasonable noise (Pen. Code, § 415.5, subd. (a)). He was placed home on probation.

In this case, we conclude the order of wardship must be reversed because appellant was a registered student at the above school, and Penal Code section 415.5, subdivision (f), exempts such a student from the application of Penal Code section 415.5, subdivision (a).

FACTUAL SUMMARY

Viewed in accordance with the usual rules on appeal (*In re Dennis B.* (1976) 18 Cal.3d 687, 697), the evidence, the sufficiency of which as to the People's case-in-chief is undisputed, established that on February 15, 2001, appellant committed the above offense in class at the Long Beach Unified School District Truancy Counseling Center (hereafter, Center), at which school he was a registered student.

CONTENTION

Appellant contends he "cannot have violated Penal Code Section 415.5, Subdivision (a), because he was a student of the school."

DISCUSSION

The Order Of Wardship Must Be Reversed Because Appellant Was A Registered Student Of The School And, Therefore, Penal Code Section 415.5, Subdivision (a), Did Not Apply To Him.

Based on the February 15, 2001 incident, a petition filed in April 2001, alleged that appellant committed a violation of Penal Code section 415.5, subdivision (a). In November 2001, the petition was found true and sustained.

Penal Code section 415.5, subdivision (a), provides, in relevant part, “(a) Any person who (1) unlawfully fights within any building or upon the grounds of any school, community college, university, or state university or challenges another person within any building or upon the grounds to fight, or (2) *maliciously and willfully disturbs another person within any of these buildings or upon the grounds by loud and unreasonable noise*, . . . is guilty of a misdemeanor punishable by a fine . . . or by imprisonment in the county jail for a period of not more than 90 days, or both.” (Italics added.)

However, Penal Code section 415.5, subdivision (f), provides, in relevant part, “This section shall not apply to any person who is a registered student of the school, . . .” Respondent concedes that it “appears [appellant’s] conviction should be reversed” because he was a registered student of the Center. According to Penal Code section 415.5, subdivision (f), Penal Code section 415.5, subdivision (a), does not apply to appellant. We accept the concession.

DISPOSITION

The order of wardship is reversed.

NOT TO BE PUBLISHED IN THE OFFICIAL REPORTS

CROSKEY, J.

We concur:

KLEIN, P.J.

ALDRICH, J.